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REMARKS

Applicants respectfully request reconsideration of the above-identified application in view of the following remarks.

Status Of Claims

Claims 1-43 have been canceled herein without prejudice or disclaimer. Claims 44-81 have been added. Accordingly, Claims 44-81 are now pending in this application. It is respectfully submitted that no new matter has been added.

Claim Rejections

35 U.S.C. § 101 Rejections

On pages 4-5 of the Office Action the Examiner rejected Claims 40-43 under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. Claims 40-43 have been canceled herein thereby rendering their rejection moot. Accordingly, it is respectfully requested that the rejection of Claims 40-43 under 35 U.S.C. § 101 be withdrawn.

35 U.S.C. § 102 Rejections

On pages 5-8 of the Office Action, the Examiner rejected Claims 1-3, 9, 12-16, 20-21, 24-26, 28-29, and 40-42 under 35 U.S.C. § 102(e) as being anticipated by Bing, et al. (US Publication No. 2004/0131084). Applicants respectfully request the withdrawal of the rejection of Claims 1-3, 9, 12-16, 20-21, 24-26, 28-29, and 40-42 under 35 U.S.C. § 102(e) in view of the foregoing amendments and the remarks that follow. It is respectfully submitted that the newly submitted Claims are not anticipated by the Bing reference.

New Claims 44, 50, 53, 56, 59, 72, and 78 include, inter alia, "dividing a frequency bandwidth of a channel into a plurality of sub-channels ... allocating a sub-channel from said plurality of sub-channels to each of the stations ... transmitting said allocation of said sub-channel to each of the stations ... transmitting a multicast

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transmission to the stations ... receiving an acknowledgement from a station over said sub-channel allocated to said station".

New Claims 62, 64, 66, 68, 70, 72, and 78 include, inter alia, "receiving an allocation of a sub-channel of a plurality of sub-channels from the wireless device, wherein said sub-channels are a frequency bandwidth division of a channel ... receiving a multicast transmission from the wireless device ... transmitting to the wireless device an acknowledgment over said sub-channel allocated to the station".

In contrast Bing teaches "If however all overlapping of the transmitted quality information is to be avoided, or if further information is to be transmitted, the information transmitted in the context of the transmission unit can be coded to identify the terminals and/or incorrectly transmitted data clearly. This coding can in particular be achieved by varying the physical properties, in particular the energy, frequency or duration of the carrier signals of the radio connection to the transmitter/receiver unit during the transmission unit." (Paragraph [0020]). Thus, Bing teaches varying a frequency of the transmitted quality information as a form of coding the transmission, thereby allowing differentiation between transmissions. However, Bing does not teach dividing a frequency bandwidth of a channel into sub-channels. Additionally, Bing does not teach allocating these sub-channels to the stations such that these sub-channels are used to acknowledge receipt of a multicast transmission from a wireless device to the stations.

Claims 1-3, 9, 12-16, 20-21, 24-26, 28-29, and 40-42 have been canceled herein thereby rendering their rejection moot. Accordingly, the rejection of Claims 1-3, 9, 12-16, 20-21, 24-26, 28-29, and 40-42 under 35 U.S.C. § 102(c) as being anticipated by Bing is therefore requested to be withdrawn.

35 U.S.C. § 103 Rejections

On pages 8-15 of the Office Action, the Examiner rejected the following claims under 35 U.S.C. § 103(a):

- 1) Claims 4, 10, 17, 22, 30, and 43 as being unpatentable over Bing in view of Khan, et al. (US Publication No. 2002/0143951);
- 2) Claims 5, 18, 31, and 33 as being unpatentable over Bing in view of Fukutomi

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(US Publication No. 2002/0091926);

3) Claim 6 as being unpatentable over Bing in view of Cervello, et al (US Publication No. 2006/0029023);

4) Claims 7 and 19 as being unpatentable over Bing in view of Rajahalme (US Publication No. 2003/0007499);

5) Claim 8 as being unpatentable over Bing in view of Rajahalme and further in view of Bowers, et al. (US Publication No. 2004/0230664);

6) Claims 11 and 23 as being unpatentable over Bing in view of Kall, et al. (US Publication No. 2004/0246985);

7) Claim 27 as being unpatentable over Bing in view of Jasinski, et al. (US Patent No. 5,142,279);

8) Claims 34 and 37-39 as being unpatentable over Bing in view of Kapoor, et al. (US Patent No. 6,795,424);

9) Claim 35 as being unpatentable over Bing in view of Kapoor and further in view of Khan; and

10) Claim 36 as being unpatentable over Bing in view of Kapoor and further in view of Kall.

Applicants respectfully requested the withdrawal of the rejection of Claims 4-8, 10-11, 17-19, 22-23, 27, 30-31, 33-39, and 43 under 35 U.S.C. § 103(a) in view of the foregoing amendments and the remarks that follow.

Claims 4-8, 10-11, 17-19, 22-23, 27, 30-31, 33-39, and 43 have been canceled herein thereby rendering their rejection moot. It is respectfully submitted that the addition of the teachings of Fukutomi, Cervello, Rajahalme, Bowers, Kall, Jasinsky, and Kapoor do not cure the deficiencies of Bing which have been expressed above regarding newly submitted independent Claims 44, 50, 53, 56, 59, 62, 64, 66, 68, 72, and 78.

Applicants respectfully request that the Examiner withdraw the rejection of Claims 4-8, 10-11, 17-19, 22-23, 27, 30-31, 33-39, and 43 under 35 U.S.C. § 103(a).

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue are therefore respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Please charge or credit any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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